

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

THOMAS ALBERS, *et al.*,

Plaintiffs,

v.

Civ. No. 24-795 GJF/GBW

NEW MEXICO STATE UNIVERSITY  
BOARD OF REGENTS and SHELLEY  
LUSETTI, in her individual capacity,


Defendants.

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court *sua sponte*. On August 15, 2024, Defendants filed a Partial Motion to Dismiss [ECF 3], seeking dismissal of Plaintiffs' Third, Seventh, Eighth, Ninth, and Tenth Causes of Action in their Complaint under Federal Rule of Civil Procedure 12(b)(6). Plaintiffs filed a Notice of Agreed Upon Extension, indicating that Defendants had agreed to extend the deadline for Plaintiffs' response to Defendants' Motion to September 12, 2024. ECF 10. Plaintiffs, however, have failed to file any such response, to advise the Court as to any further extension granted by Defendants, or to otherwise explain why such a response was not filed.

**IT IS THEREFORE ORDERED** that, no later than **5:00 p.m. MDT on September 23, 2024**, Plaintiffs shall show cause in writing as to why their "failure to . . . file and serve a response . . . within the time prescribed . . . [should not] constitute[] consent to grant the motion." D.N.M.LR-Civ. 7.1(b).

**SO ORDERED.**

  
THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE  
*Presiding by Consent*